

Application No. 10/656,659

Our Case No. 09792909-5708

**REMARKS**

Claim 14 now is the only claim pending and under consideration. Claims 1-13 were canceled previously.

In the Advisory Action of March 22, 2005 claim 14 was rejected under 35 U.S.C. §112, second paragraph, because the formula for the bathophenanthroline compound was not described in the claim. Applicants submit that this rejection was addressed by the present amendment.

Claim 14 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 23 of copending Application No. 09/704,968. Although Applicants disagree, enclosed herewith is a terminal disclaimer in order to expedite prosecution.

Claims 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sugihara (Analytical Sciences, 1993, 9: 593-597) in view of Daniel (US Pat. NO. 4,853,090). The rejection was based on some of the compounds of claim 14 having methyl substituents on the 2,9-diphenyl substituents on the phenanthroline.

Applicants respectfully submit that the cited references do not reasonably suggest the modification of the bathophenanthrolines molecules by methylation. Rather, Sugihara discloses that electrodes based on bathophenanthrolines with phenyl substituents exhibit relatively low  $\text{Li}^+$ -selectivity and that their calibration plots show only relatively small responses (See page 595, Table 1, entries 13 and 14). This low selectivity was postulated on the inappropriate stereochemical configuration of the 2,9-phenyl substituents (See page 596, first column, last two lines to second column, first paragraph). Accordingly, Sugihara actually teaches against using bathophenanthrolines with 2,9-phenyl substituents. One of ordinary skill in the art would therefore be not motivated to modify Sugihara's compounds as taught by Daniel, and it is respectfully submitted that the amended claim is now in condition for allowance.

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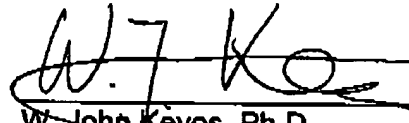
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Prompt passage to allowance is respectfully requested and early notice thereof is earnestly solicited.

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Respectfully submitted,

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